

landowners that water distribution and drainage systems are not being acquired;

c. To revise the estimate of just compensation and deposit additional funds in the amount of \$2,900.00.

d. To add as defendants all parties interested in the acquired land who were identified in title examination results received after institution of this proceeding.

1. This is an amendment of a civil action brought by the United States of America at the request of the Secretary of the Department of Homeland Security, through the Director, Border Patrol Air and Marine Program Management Office, Facilities Management and Engineering, Office of Facilities and Asset Management, U.S. Customs and Border Protection, Department of Homeland Security, for the taking of certain interest in real property, under the power of eminent domain through an Declaration of Taking, as amended, and for the determination and award of just compensation to the owners and parties in interest.

2. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1358.

3. The interest in property taken herein is under and in accordance with the Act of Congress approved on February 25, 1931, as Stat. 1421 and codified at 40 U.S.C. section 3114, and the Act of Congress approved August 1, 1888. as 25 Stat. 357 and codified at 40 U.S.C. Section 3113, and any acts supplementary thereto and amendatory thereof; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, Stat. 3009-546, 3009-554, as amended and codified at 8 U.S.C. Section 1103(b) & note; and the Act of Congress approved October 4, 2006, as Public Law 109-295, Title II, 120 Stat. 1355, which appropriated the funds which shall be used for the taking.

4. The public purpose for which said interest in property is taken is to construct roads, fencing, vehicle barriers, security lighting, and/or related structures designed to help secure the United States-Mexico border within the State of Texas.

5. The clarified legal description and plat of the land heretofore acquired in these proceedings, identified as Tract RGV-RGC-1043, is set forth in Schedules “CC” and “DD” attached hereto and made part hereof, which are in lieu of Schedules “C” and “D” for said tract attached to the original Complaint in Condemnation (Docket No. 1).

6. The clarified interest or estate in the land already acquired in these proceedings, identified as Tract RGV-RGC-1043, is set forth in Schedule “EE” attached hereto and made part hereof, which is in lieu of Schedule “E” for said tract attached to the original Complaint in Condemnation (Docket No. 1) filed herein.

7. The names and addresses of known parties having or claiming an interest in the acquired lands are set forth in Schedule “GG” attached hereto and made part hereof, which is in lieu of Schedule “G” attached to the original Complaint in Condemnation (Docket No. 1).

8. Local and state taxing authorities may have or claim an interest in the property by reason of taxes and assessments due and eligible.

It is intended by this amendment that the original Complaint in Condemnation filed in this cause on June 30, 2008 (Docket No. 1) is not changed, and is not intended to be changed, in any respect except as hereinabove expressly set forth.

WHEREFORE, Plaintiff requests judgment for acquired Tract RGV-RGC-1043, be ascertained and awarded, and for such other relief as may be lawful and proper.

Respectfully submitted,

KENNETH MAGIDSON

United States Attorney
Southern District of Texas

By: *s/ E. Paxton Warner*

E. PAXTON WARNER

Assistant United States Attorney
Southern District of Texas No. 555957
Texas Bar No. 24003139
1701 W. Bus. Highway 83, Suite 600
McAllen, TX 78501
Telephone: (956) 618-8010
Facsimile: (956) 618-8016
E-mail: Paxton.Warner@usdoj.gov